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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Responsibility of States for internationally wrongful acts

Security Council
Sixty-sixth year

Letter dated 22 February 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

As you are aware, the most serious international offences, such as war crimes, crimes against humanity and genocide, were committed in the course of the ongoing aggression of the Republic of Armenia against the Republic of Azerbaijan.

On the night of 25 and 26 February 1992, the armed forces of the Republic of Armenia and the official Yerevan-backed irregular armed bands and terrorist groups, with the direct participation of the infantry guards regiment No. 366 of the former Union of Soviet Socialist Republics, the personnel of which was composed mainly of Armenians, implemented the seizure of the town of Khojaly, situated in the Daghlyq Garabagh (Nagorno Karabakh) region of the Republic of Azerbaijan. The attack and capture of the town involved the extermination of hundreds of Azerbaijanis, including women, children and elderly; thousands of civilians were wounded and taken hostage, many of whom remain missing; while the town was razed to the ground.

The level of brutality in Khojaly is shocking: atrocities included scalping, beheading, bayoneting of pregnant women and mutilation of bodies. The facts confirm that the intentional slaughter of the Khojaly town civilians was directed at their mass extermination only because they were Azerbaijanis. Khojaly was chosen as a stage for further aggression, occupation and the ethnic cleansing of Azerbaijani territories.

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Apart from the considerable information in possession of the law enforcement agencies of the Republic of Azerbaijan, the responsibility of the Republic of Armenia and its political and military leadership for the crimes committed in Khojaly is recognized and documented by numerous independent sources, eyewitnesses to the tragedy, as well as admitted by the Republic of Armenia's high-ranking officials and this country's public sources.

In its judgement of 22 April 2010, the European Court of Human Rights arrived at an important conclusion with respect to the massacre in the town of Khojaly, qualifying the behaviour of those carrying out the incursion as "acts of particular gravity which may amount to war crimes or crimes against humanity". The European Court made in this regard the following observation, which leaves no doubt as to the question of responsibility for the crime:

> "It appears that the reports available from independent sources indicate that at the time of the capture of Khojaly on the night of 25 to 26 February 1992 hundreds of civilians of Azerbaijani ethnic origin were reportedly killed, wounded or taken hostage, during their attempt to flee the captured town, by Armenian fighters attacking the town ..." (para. 87).

Against this background, it is notable that the high-ranking officials of the Republic of Armenia cynically regard atrocities committed against Azerbaijani civilians as "glorious victories", which paved the way for their "nation's and ... country's road in modern history" (see, e.g., the statement by President Serzh Sargsyan of the Republic of Armenia of 27 January 2011, available from http://www.president.am/events/statements/eng/?id=85).

The Government of the Republic of Azerbaijan has repeatedly stated, and I have been instructed to point it out once again, that the genocide in Khojaly, along with other grave offences committed in the course of the aggression of the Republic of Armenia against the Republic of Azerbaijan, entails the former's State responsibility under international law and the individual criminal responsibility of those who participated in said acts and their accomplices and accessories.

We proceed from the strong understanding that there can be no long-term and sustainable peace without justice and that ending impunity for the most serious international crimes is essential not only for the purposes of individual criminal responsibility, but also for peace, truth, reconciliation and the rights of the victims.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 39, 66 and 75, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative